

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RUBEN ORTEGA JUAREZ, individually and on  
behalf of others similarly situated,

Plaintiffs,

-against-

MI MEXICO MINI MARKET & GROCERY INC.  
(d/b/a MI MEXICO MEAT MARKET), CECILIO  
LEZAMA, RENE LEZAMA, and JAEL LEZAMA,

Defendants.

Case No. 1:23-cv-06978 (JLR)  
(SDA)

**REVISED ORDER**  
**VACATING DEFAULT**  
**JUDGMENT**

JENNIFER L. ROCHON, United States District Judge:

**WHEREAS**, on January 26, 2024, default judgment was entered in favor of Plaintiffs  
and against all Defendants, *see* Dkt. 38; and

**WHEREAS**, on December 31, 2024, Defendant Cecilio Lezama moved this Court to  
vacate the default judgment entered against him pursuant to Federal Rule of Civil Procedure  
("Rule") 60, *see* Dkts. 41-42; and

**WHEREAS**, the Court "may set aside a final default judgment under Rule 60(b),"  
Fed. R. Civ. P. 55(c), for "mistake, inadvertence, surprise, or excusable neglect," Fed. R. Civ.  
P. 60(b)(1), "fraud . . . , misrepresentation, or misconduct by an opposing party," Fed. R. Civ.  
P. 60(b)(3), or "any other reason that justifies relief," Fed. R. Civ. P. 60(b)(6); and

**WHEREAS**, Plaintiffs do not oppose Defendant Cecilio Lezama's motion to vacate  
the default judgment entered against him, *see* Dkt. 48; and

**WHEREAS**, upon consideration of the parties' submissions, and because the Second  
Circuit "generally disfavor[s]" default judgment and has expressed a "preference for resolving  
disputes on the merits," *Enron Oil Corp. v. Diakuhara*, 10 F.3d 90, 95-96 (2d Cir. 1993), the

Court finds that relief from the default judgment entered against Defendant Cecilio Lezama is justified;

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED,** that the default judgment entered against Defendant Cecilio Lezama is **VACATED**.

The Clerk of Court is respectfully directed to vacate the Court's earlier Order at Dkt. 50 because it erroneously applied to all Defendants.

Dated: January 27, 2025  
New York, New York

SO ORDERED.

  
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JENNIFER L. ROCHON  
United States District Judge